

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 27, 2009

- D055082 In re Harris on Habeas Corpus**
The petition is denied.
- D054820 Conservatorship of the Person of R. H.**
The respondent's unopposed request for judicial notice and its motion to dismiss the appeal as moot are granted.
- D055165 In re Palma on Habeas Corpus**
The petition is denied.
- D054996 In re Smith on Habeas Corpus**
The petition is denied.
- D054938 In re A.G., a Juvenile**
The appeal is dismissed.
Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D054110 People v. Rifkind**
The judgment is affirmed.
McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.
- D054171 People v. Anderson**
D054997 In re Anderson on Habeas Corpus
The petition for writ of habeas corpus In re Anderson, D054997, is consolidated with the pending appeal People v. Anderson D054171 for disposition.
- D054171 People v. Anderson**
D054997 In re Anderson on Habeas Corpus
(Consolidated) The order is affirmed. The petition for writ of habeas corpus is denied. Irion, J. ; We Concur: Nares, Acting P.J., McIntyre, J.
- D054185 In re Mariah J. et al., Juveniles**
The orders are affirmed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D055344 Shannon G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner Shannon G. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 27, 2009 (Continued)

D055342 James A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Amanda G. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D055398 Brittany M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Brittany M. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D055452 Michael W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Michael W. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D055432 Kristen S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kristen S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D055428 Hana B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys' for petitioners Hana B. and Rodney D. have notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 28, 2009

- D052391 Parker v. Kalish**
The order and judgment are affirmed, and Kalish shall recover his costs on appeal.
Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D050764 People v. Ontiveros et al.**
The trial court is directed to dismiss the judgments of conviction for conspiracy to obtain property, labor or services by false pretenses (count 3) as to all defendants. The trial court shall amend the abstracts of judgment for Montez and Ontiveros accordingly and forward their amended abstracts of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgments are affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.
- D053695 Cohen et al. v. Villa La Jolla Townhouses Community Association**
The judgment of dismissal and the attorney fees award are affirmed.
The Association is awarded its costs on appeal.
Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D055484 Cavalier Mobile Estates v. Moran et al.**
The petition is denied.
- D055314 In re Brockus on Habeas Corpus**
The petition is denied.
- D053488 Sonnenshein et al. v. Windansea Beach Homes et al.**
The order is affirmed. Respondents are entitled to their costs on appeal.
McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D053169 People v. Martinez**
The judgment is modified to strike the restitution order for Mohmoud Guled. The trial court is directed to prepare an amended abstract of judgment reflecting this change and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed.
Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D053519 Conservatorship of the Person and Estate of Becerra**
The orders are reversed with directions to vacate them and enter new orders denying any award of sanctions or fees pursuant to the April 11 or 14 orders to show cause. Each party to bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 28, 2009 (Continued)

- D054087 Farahani v. San Diego Community College District et al.**
The judgment is affirmed. Farahani is entitled to costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1).) McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D055550 In re Burden on Habeas Corpus**
Because the denial of a petition for writ of habeas corpus is not appealable (In re Clark (1993) 4 Cal. 4th 750, 773), this appeal is dismissed.
- D053802 People v. Lord**
The order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D053015 People v. Ramirez**
D054793 People v. Ramirez
The pending petition for writ of habeas corpus, In re Jose Angel Ramirez, D054793, is consolidated with the pending appeal, People v. Jose Angel Ramirez, D053015, for disposition.
- D053015 People v. Ramirez**
D054793 People v. Ramirez
The judgment is affirmed; the petition is denied.
Nares, Acting P.J.; We Concur: McDonald, J., Aaron, J.
- D055463 People v. Harrington**
The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.
- D055551 In re People on Habeas Corpus**
Because the denial of a petition for writ of habeas corpus is not appealable, the appeal is dismissed.

Court convened at 9:05 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and
 The Honorable Associate Justices Judith Haller and Terry O'Rourke

Clerk: M. Hubbard

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 28, 2009 (Continued)

D053889 Hartnett v. Duzyk et al.

Cause called on merits. Sam Sherman, Esq. argued for appellant Duzyk. Pamela Wilson, Esq. argued for appellant Fort-Merrill. Barry Vrevich, Esq. argued for respondent. Mr. Sherman replied. Ms. Wilson replied.

Court adjourned at 10:13 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 29, 2009

- D053792 People v. Carnes**
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.
- D055003 In re Burnett on Habeas Corpus**
The petition is denied.
- D053409 City of San Diego v. Palmer**
The May 8, 2008, judgment and the July 17, 2008, order are reversed. The case is remanded to the trial court for further proceedings consistent with this opinion. The remittitur shall issue forthwith. Each party shall bear its own costs on appeal. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.
- D055118 Sarmiento v. Workers' Compensation Appeals Board and Villa Rancho Bernardo et al.**
The petition is denied.
- D055152 In re Murray on Habeas Corpus**
The petition is denied.
- D055445 Mazzearella Caldarelli, LLP v. Bilson**
Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)
- D054726 Patel et al. v. Starwood Hotels**
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D053690 Blazeovich et al. v. Rady**
The judgment is reversed. Plaintiffs are awarded their costs on appeal. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 30, 2009

- D054472 In re Cesar G., a Juvenile**
The judgment is affirmed.
Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.
- D052554 People v. Paris**
D054536 In re Paris on Habeas Corpus
(Consolidated) The judgment is affirmed. The petition for writ of habeas corpus is denied. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.
- D054034 People v. McBride**
The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.
- D054207 The Retirement Group v. Galante et al.**
The trial court shall vacate the preliminary injunction and enter a new and different injunction deleting the language enjoining Advisors from "directly or indirectly soliciting any current TRG customers to transfer any securities account or relationship from TRG to defendants or any broker-dealer or registered investment advisor other than TRG." The stay previously issued by this court on May 19, 2009, shall remain in effect until this opinion becomes final and the remittitur has been issued. Defendants are entitled to costs on appeal.
McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.
- D053498 S.B. v. B.J.**
The judgment is reversed. The matter is remanded with directions that the trial court enter a new judgment determining paternity and awarding reasonable expenses of pregnancy and birth. The parties are to bear their own costs on appeal.
O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.
- D054640 In re Vivian J., a Juvenile**
The judgment is affirmed. The motion to augment the record is denied.
Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D054611 People v. Murray**
The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.
- D054664 People v. Brooks**
The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D054065 In re James R., a Juvenile**
The opinion filed July 15, 2009, is ordered certified for publication.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 30, 2009 (Continued)

- D055006 In re Rider on Habeas Corpus**
The petition is denied.
- D055175 In re Rosser on Habeas Corpus**
The petition is denied.
- D055322 In re Agrio on Habeas Corpus**
The petition is denied.
- D055541 In re Caliz on Habeas Corpus**
The petition is denied.
- D055321 In re Adair on Habeas Corpus**
The petition is denied.
- D055226 Pottery Barn Kids, Inc. v. Superior Court of San Diego County/Dennis**
The petition is denied.
- D055023 In re Huggins on Habeas Corpus**
The petition is denied.
- D055358 In re Paez on Habeas Corpus**
The petition is denied.
- D055356 In re Kenneth Harvey Shockman on Habeas Corpus**
The petition for writ of habeas corpus In re Shockman, No. D055356, will be considered at the same time as the pending appeal People v. Shockman, No. D053948.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 31, 2009

- D055271 Attisha Enterprises, Inc. v. Superior Court of San Diego County/June A. Grothe Construction, Inc.**
Let a peremptory writ of mandate issue directing the superior court to vacate its May 21, 2009, order to the extent that it grants summary adjudication as to AEI's claim for consequential damages, and enter an order denying summary adjudication as to that claim. In all other respects, the petition is denied. AEI is entitled to costs in the writ proceeding. This opinion is made final as to this court seven days after this decision is filed. (Cal. Rules of Court, rule 8.490(b)(3).)
Huffman, Acting P.J.; We Concur: Irion, J., McIntyre, J.
- D055450 Karen F. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys' for petitioners Karen F. and Daniel F. have notified the court that petitions for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D055405 D.G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorneys' for petitioners D. G. and E. F., have notified the court that petitions for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.
- D052068 Bino v. Kaiser Foundation Hospitals**
The judgment of the trial court is affirmed.
Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.
- D053804 People v. Yalda**
The judgment and sentence are affirmed.
Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.
- D053167 People v. Dinh**
The judgment in count 20 is reversed and the sentence vacated; the sentences imposed for burglary in counts 4, 7, 10, 13 and 16 are stayed pursuant to section 654; the order for victim restitution to Le-Tran and Thai in the amount of \$5,350 is stricken; and the two misdemeanor cases are reinstated. The court is directed to correct the abstract of judgment to reflect the specific sentences imposed and stayed in counts 2, 6, 9, 12, 15 and 19, and, along with the modifications already set forth, send a copy of the amended abstract to the Department of Corrections and Rehabilitation. The judgment is affirmed as modified.
McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

July 31, 2009 (Continued)

- D055067 James et al. v. Superior Court of San Diego County/Scott et al.**
The petition is dismissed as moot in light of the July 21, 2009, stipulation of the parties and ruling by the superior court vacating the order sustaining the demurrer without leave to amend and reinstating the cause of action for negligent infliction of emotional distress.
- D055230 Meyer v. Pederson**
The petition for writ of supersedeas has been read and considered by Justices Huffman, McIntyre and Irion. The petition is denied.
- D055318 In re Langston on habeas Corpus**
The petition is denied.
- D055391 In re Consiglio on Habeas Corpus**
The petition is denied.